

**OVERVIEW OF STATES WITH SIGNIFICANT TRANSPORTATION
PUBLIC-PRIVATE PARTNERSHIP ("PPP") AUTHORITY
(Reflects legislative developments through August 2006)¹**

State	Statute	Comments
1. AL	ALA. CODE §§ 23-1-80 to 23-1-95	Authorizes the Alabama DOT and county commissions to establish toll roads, toll bridges, ferries or causeways or allow for their operation by private parties. No express provision regarding the solicitation or acceptance of unsolicited proposals.
2. AK	ALASKA STAT. §§ 19.75.111, .113, .211, .221, .330, .332, .334, .336, .338, .340, .241, .915, .920, and .980	Authorizes the Knik Arm Bridge and Toll Authority to utilize a PPP to finance, design, construct, operate and maintain the Knik Arm bridge.
3. AZ	ARIZ. REV. STAT. §§ 28-7701 to 28-7758	Two pilot programs each allow up to two solicited and unsolicited proposals.
4. CA	CAL STS & HY CODE §§ 143 and 149.1 through 149.7 http://www.leginfo.ca.gov/pub/bill/asm/ab_1451-1500/ab_1467_bill_20060519_chaptered.html CAL GOV CODE §§ 5956-5956.10 http://www.leginfo.ca.gov/cgi-bin/displaycode?section=gov&group=05001-06000&file=5956-5956.10	AB 1467, enacted in by Governor and Chaptered by Secretary of State in May 2006, added §§143 and 149.7 to the California Streets and Highways Code. The bill authorizes the department and regional transportation agencies to enter into lease agreements with public and private entities. The pilot program limited to 2 projects in northern California and 2 in southern California until January 1, 2012. This statute also authorizes high-occupancy toll lanes. Solicited and unsolicited proposals are permitted under the statute. CAL. STS. & HY CODE §§ 149.1-149.6 authorizes the San Diego Association of Governments to undertake specified tolling and public-private partnership projects. CAL GOV CODE §§ 5956-5956.10 (AB 2660 (1996)) authorizes local governments to pursue PPPs for a range of “fee-producing infrastructure projects,” but explicitly excludes the use of toll roads on state highways (§ 5956.10).
5. CO	COLO. REV. STAT. §§43-1-1201 through 1209 COLO. REV. STAT. §§43-4-801 through 812 COLO. REV. STAT. §§ 43-3-201 through 43-3-416	Allows solicited and unsolicited proposals for PPPs. Created a statewide tolling enterprise to finance, build, operate and maintain toll highways. Operated as a government-owned business within the Colorado DOT. Provides PPP authority to Colorado DOT for specific projects including turnpikes and HOT lanes.

¹ This survey should not be construed as legal advice regarding any particular project in any state.

State	Statute	Comments
6. DE	DEL. CODE ANN. tit. 2, part II, ch. 20, §§ 2001 through 2012	Authorizes solicited and unsolicited proposals for PPP projects, including highways and bridges.
7. FL	FLA. STAT. ANN. § 334.30 FLA. STAT. ANN. § 334.30; FLA. STAT. ANN. §§ 338.22 through 338.251	Allows Florida DOT to receive or solicit proposals for PPPs. 1953 statute that established the Florida Turnpike Enterprise, which is on an enterprise basis within the Florida DOT.
8. GA	GA. CODE. ANN. §§ 32-2-78 through 32-2-80	In May 2005, several significant amendments to this statute were enacted as S.B. 270. The statute now allows Georgia DOT to both receive and solicit proposals for PPPs. Potential competitors also have 135 days (instead of 90 days) to respond to an unsolicited proposal.
9. IN	IND. CODE §§8-15; 8-15.5; 8-15.7; and 8-23-7-22 through 25	HB 1008, passed as Public Law 47, authorizes the Indiana Toll Road lease transaction. The legislation also establishes the process for entering into a public-private agreement on I-69 from Indianapolis to Evansville, and specifically prohibits the State from entering into such an agreement for any other road or project without further legislative approval. While similar in scope to the authorization for the Indiana Toll Road lease, there are a number of significant differences in the process for procuring an I-69 agreement. As an example, the I-69 PPA will be administered by INDOT, instead of the Indiana Finance Authority.
10. LA	LA. REV. STAT. ANN. §§48:2072(C) and (D); 48:2084 through 2084.15	
11. MD	MD. TRANSPORTATION CODE ANN. § 8-204 MD. CODE REGS. §11.07.06 MD PPP Guidance	Maryland does not have a statute expressly authorizing highway PPPs. However, Maryland established a public-private partnership program by regulation. Additionally, according to a 1996 Attorney General opinion referenced in the annotations to this statute, the Maryland Transportation Authority has authority to construct toll roads using certain forms of PPPs. ²
12. MN	MINN. STAT. ANN. §§ 160.84 through 160.93	Authorizes solicited and unsolicited PPPs for toll facilities. Authorizes HOT lanes.

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² See MD 81 Op. Att’y Gen. (issued 2/2/96).

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13. MO	MO. REV. STAT. §§227.600 through .669 MO. REV. STAT. §§238.300 through .367	MO. REV. STAT. §§227.600 through .669, also known as the Missouri Public-Private Partnership Transportation Act, authorizes the Highways and Transportation Commission to form a public-private partnership to use private sector innovation and investment to build a new Missouri River bridge in St. Louis, connecting to Illinois. The authority is limited to the bridge only. The statute does allow private partners to submit unsolicited proposals. The Commission is authorized to enter into interim and comprehensive agreements with a private partner. MO. REV. STAT. §§238.300 through .367 creates a special purpose non-profit corporation known as a Transportation Corporation as a vehicle for PPPs. No express provision regarding the solicitation or acceptance of unsolicited proposals.
14. NV	NEV. REV. STAT. §§ 338.161 through 168	Authorizes public bodies to accept unsolicited proposals to develop, construct, improve, maintain or operate transportation facilities, so long as it serves a public purpose. Toll bridge and toll road projects, however, are prohibited under this statute.
15. NC	N.C. GEN. STATE. §§ 136-89.180 through 136-89.198	North Carolina Turnpike Authority now authorized to develop, construct, operate and maintain up to nine toll facilities, including a toll bridge. Solicited process only.
16. OR	OR. REV. STAT. §§ 367.800 through 367.826 OR. REV. STAT. §§ 383.001 through 383.019	Establishes the Oregon Innovative Partnerships Program with detailed guidelines at OAR 731-070-0005 to 731-070-0360. Allows Oregon DOT to solicit and accept unsolicited PPPs for tollway projects.
17. PR	9 LEYES P.R. AN. §§ 2001 through 2021	This statute establishes a toll transportation facility authority with broad powers to authorize private participation in public highway projects.
18. SC	S.C. CODE § 57-3-200 S.C. CODE § 57-5-1310 through 1495	Allows South Carolina DOT to enter into PPPs. Allows DOT to construct and operate turnpike facilities; § 57-5-1330.4 appears to permit SC DOT to use PPPs to develop these facilities. No express provision regarding the solicitation or acceptance of unsolicited proposals.
19. TX	TX. TRANSP. CODE ANN. Ch. 223, 227, 228, and 370	Allows TxDOT and Regional Mobility Authorities to accept solicited and unsolicited proposals for PPPs.
20. UT	UT. CODE ANN. §§63-56-502.5; 72-6-118; and 72-6-201 through 206	SB 80 authorizes the Utah DOT, with approval from the Transportation Commission, to accept solicited and unsolicited proposals for PPPs involving tollway facilities through the use of “tollway development agreements.”
21. VA	VA. CODE ANN. §§ 56-556 through 56-575	Virginia’s Public-Private Transportation Act of 1995 authorizes PPPs and was modified during the 2005 legislative session. Allows solicited and unsolicited proposals. Contains detailed guidelines to assist VDOT and other public entities in implementing this program.

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22. WA	WASH. REV. CODE Ch. 47.29 WASH. REV. CODE Ch. 47.46	<p>New PPP enabling legislation was enacted in May 2005 (as H.B. 1541). In the findings of that legislation, the legislature noted that the public-private transportation initiatives created under WASH. REV. CODE Ch. 47.46 has not met the needs and expectations of the public or private sectors for the development of transportation projects. Under the new statute, the exclusive source of financing for WashDOT projects is state treasurer-issued indebtedness; and no such indebtedness, or expenditures from it, may occur without prior legislative approval. Currently, solicited proposals only, but unsolicited proposals may be accepted after 6/30/07.</p>